

REMARKS

I. Claim Status

Claims 1-10 and 12-30 are currently pending. Claims 2, 3, 9, 10, 12-19 and 25-30 have been allowed. Claims 1, 4-8 and 20-24 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by British patent GB 1298295 (hereinafter the '295 patent). Applicants respectfully traverse.

II. Claim Rejection Under 35 U.S.C. § 102 (b)

Claims 1, 4-8 and 20-24 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by the '295 patent. The Examiner contends that the '295 patent discloses the claimed antibacterial compounds of the instant formula I wherein R^2 is hydroxyl and R^3 is methyl, Applicants respectfully traverse.

In the instant application in Formulas I, V and IV of claims 1, 4 and 24 respectively and throughout the application, a bond with no indicated substituent such as is present on the carbon bearing R^2 and R^3 in Formula I represents a methyl group as is standard practice. However, in the '295 patent application in Formula I and throughout the patent, a bond with no indicated substituent represents a hydrogen and not a methyl group as in the instant application. The '295 patent discloses a substituent pattern in Formula I on the carbon which corresponds to the carbon bearing R^2 and R^3 in the instant Formula I, IV or V of H, CH_3 and OH. The instant Formula I, IV or V requires one of the substituents to be methyl with the proviso that when one of R^2 and R^3 is hydroxyl the other is not hydrogen. Independent claims 1, 4 and 24 specifically preclude a substituent pattern of H, CH_3 and OH as is allegedly disclosed in the '295 patent. There is therefore no anticipation. Reconsideration and withdrawal of this rejection is respectfully requested.

III. Conclusion

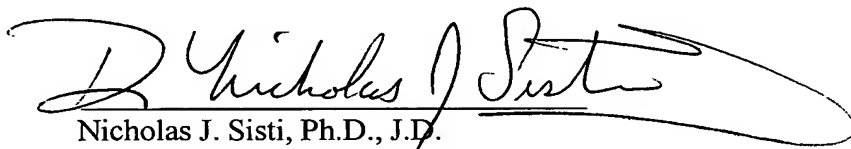
It is believed that this application is in condition for allowance. Such action is currently solicited. Should the Examiner feel a telephone interview would expedite prosecution, the Examiner is invited to call the applicant's undersigned representative.

To the extent any fee is due the Commissioner is hereby authorized by this paper to charge any required fees or credit any overpayment to Deposit Account 16-1445.

Respectfully submitted,

Date:

April 19, 2006

A handwritten signature in dark ink, appearing to read "Nicholas J. Sisti", written over a horizontal line.

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